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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,870	12/18/2006	Heikki Heikkila	17195Z	2548
23389 7590 06/03/2009 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER HANLEY, SUSAN MARIE				
ART UNIT		PAPER NUMBER		
1651				
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06/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,870

Applicant(s)

HEIKKILA ET AL

Examiner

SUSAN HANLEY

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-81 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-61, drawn to a method for recovering arabinose from a vegetable fiber.

Group II, claim(s) 62-7180 and 81, drawn to a method for crystallizing arabinose.

Group III, claim(s) 72-77, drawn to crystalline L-arabinose.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of group I is the recovery of D- and L-arabinose by enzymatic hydrolysis of a vegetable fiber to obtain a hydrolyzate, separation to obtain a clarified hydrolyzate and crystallization of the product of fractionization in an aqueous solution.

The special technical feature of Group II is the crystallization of D- and L-arabinose from a biomass-derived solution by a single-stage boiling in an aqueous solution.

The special technical feature of Group III is crystalline L-arabinose having a melting point higher than 164 degrees C determined by DSC or a melting point higher than 158 degrees C determined by the European Pharmacopeia.

Groups I and II lack a special corresponding technical feature because Group II lacks the steps of obtaining a vegetable fiber, enzymatically hydrolyzing said fiber, separation of the fiber to obtain a clarified hydrolyzate, and crystallization in an aqueous solution that does not involve a single step boiling method. Group I lacks the single step boiling method of Group II.

Groups I and II lack a corresponding special technical feature because Group III is drawn to a crystalline L-arabinose (a single enantiomer) having physical and chemical properties that lacks the special technical feature of group I which is drawn to method steps of hydrolysis, separation to obtain a clarified hydrolyzate, and crystallization.

Groups II and III lacks a corresponding special technical feature because Group III is drawn to a crystalline L-arabinose (a single enantiomer) having physical and chemical properties that lacks the special technical feature of group II which comprises method step for a single-boiling method to crystallization of impure arabinose (a D and L mixture)

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

If Group I is elected Applicant is required to elect:

- A. If the various optional steps of neutralization and fractionization are each not or are performed.
- B. If another monosaccharide is not or is recovered with the arabinose. If the option is elected, Applicant is required to elect the type of monosaccharide.
- C. The source of the vegetable rich fiber from one of:
 - i. an exudate gum (if this specie is elected, Applicant is required to elect the type of gum from one of claim 5).
 - ii. a sugar beet pulp (claim 6);
 - iii. a hardwood bark (requires further election from claim 8), grain straw and husks, corned cobs, corn fibers or bagasse (claim 7); or
 - iv. water soluble or alkali soluble vegetable fiber (claim 9)

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Specie A corresponds to claim 1.
Specie B corresponds to claim 1.
Specie C corresponds to claims 4-9.

The following claim(s) are generic:
For specie A, claims 1-61 are generic.
For specie B, claims 1-61 are generic.
For specie C, claims 1-3 and 10-61 are generic.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: For specie A, the additional of optional steps to the basic method adds steps of doing an action (e.g., neutralization or fractionation) that are not part of the basic method. For specie B, the addition of another carbohydrate that must be recovered adds another material compared to only the recovery of just arabinose. For specie C, the sources of vegetable fibers have different physical and biochemical properties.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN HANLEY whose telephone number is (571)272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sandra Saucier/
Primary Examiner, Art Unit 1651

/Susan Hanley/
Examiner, Art Unit 1651